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Q57

Consider the following statements: 1. According to the Indian Patents Act, a biological process to create a seed can be patented in India. 2. In India, there is no Intellectual Property Appellate Board. 3. Plant varieties are not eligible in the patented in India. Which of the statements given above is/are correct? (a) 1 and 3 only (b) 2 and 3 only (c) 3 only (d) 1, 2 and 3 Official key: C.

UPSC Civil Services Prelims 2019 · General Studies · 2 marks · Science and Technology

Science, technology, space, defence, IT - Prelims GS Paper I.

Explanation**(a)**

(a) 1 and 3 only. Statement 1 is false: the Patents Act excludes essentially biological processes for production of plants and animals, and seeds. A code that patents a biological process to create a seed is not the key.

(b)

(b) 2 and 3 only. Statement 2 is false: India had an Intellectual Property Appellate Board (later functions moved to High Courts). Dropping a real forum is not the key.

(c) Official key

(c) 3 only. **Section 3(j)** of the Patents Act, 1970 keeps plants, seeds, varieties and essentially biological processes out of patent. Plant varieties are protected, if at all, under the PPVFR Act, not as patents. Statements 1 and 2 fail. That is the official key.

(d)

(d) 1, 2 and 3. Two of the three statements are false, so this code is wrong.

Summary

- **Official key is (c). Only statement 3 is correct:** plant varieties are not patentable in India. A biological process to make a seed is also excluded. **IPAB** existed at the time of the paper. Variety protection, if any, is under PPVFR, not the Patents Act. Honour (c).

Related possible facts

These can be asked in a future Prelims paper.

Patents Act s.3(j)

Plants, animals, seeds, varieties, essentially biological processes not patentable

PPVFR Act, 2001

Sui generis plant-variety protection

IPAB

Intellectual Property Appellate Board; abolished 2021, work to High Courts

Micro-organisms

May be patentable if they meet invention tests

Monsanto Bt cotton litigation

Patentability of biotech traits vs seed as such

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